

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

July 5, 2018

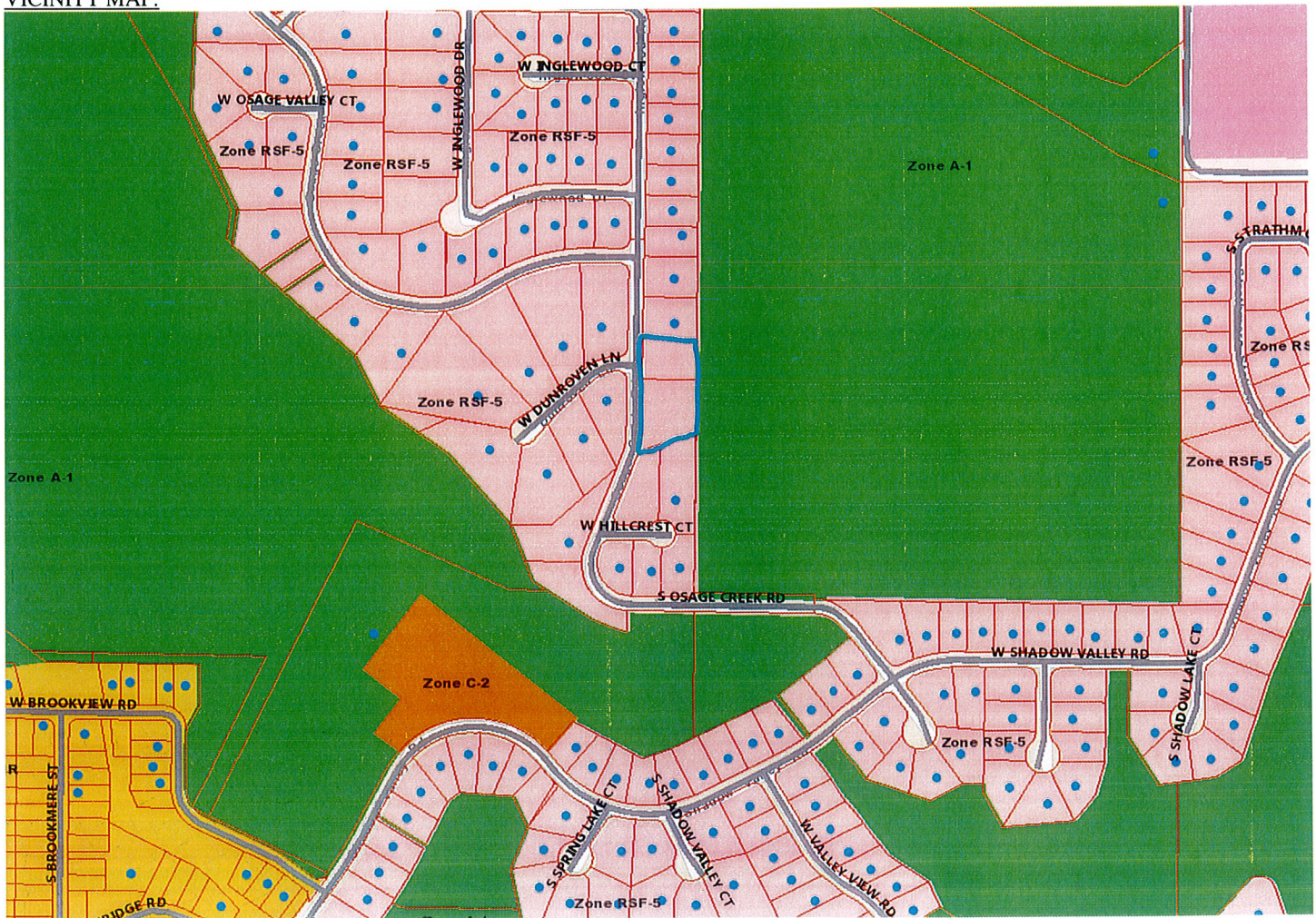
STAFF SUMMARY REPORT

TO: BOARD OF ADJUSTMENT

SUBJECT: VARIANCE #18-43 – REAVES FAMILY LIMITED PARTNERSHIP

ADDRESS:	Lots 8 & 9 of Shadow Valley Subdivision Ph. 3
LAND OWNER:	CR Reaves Family Limited
APPLICANT/REP:	Crafton Tull
ZONING DISTRICT:	RSF-5 (Residential Single-Family, 5 units per acre) District
REQUEST:	Interior Side Yard Setback, Utility Easement, and Drainage Easement Reduction
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

VICINITY MAP:



BACKGROUND

- The applicant found that their proposed house would be located in the interior side yard setback, utility easement, and drainage easement, as shown in Tab 1. The applicant needs a variance to reduce the setback and easements before a building permit can be issued.
- The Shadow Valley Ph. 3 subdivision plat shows the interior side yard setback, utility easement, and drainage easement of the subject locations as 7.5 feet. The applicant requests to reduce the front yard setback, utility easement, and drainage easement from 7.5 feet to 0 feet on the south side of lot 9 and the north side of lot 8.

STAFF REVIEW

ENGINEERING REVIEW: N/A

PLANNING REVIEW:

- 1) Land Use: N/A
- 2) Disposition of Structures: Both lots are undeveloped. The house they propose to build would encroach the interior side yard setback, utility easement, and drainage easement by 7.5 feet.
- 3) Hardship: Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- 4) General Findings: The applicant requests to reduce the south interior side yard setback, utility easement, and drainage easement on lot 9 and the north interior side yard setback, utility easement, and drainage easement on lot 8 from 7.5' to 0' to build a house. Staff recommended to the applicant that they combine the lots instead of obtaining a variance. The applicant declined and decided to continue with the variance. Staff does not typically favor building on property lines, however there is no code in the City preventing it. Staff recommends consideration of the request based on the comments received during the variance hearing related to the zoning ordinance causing "*undue hardship to circumstances unique to the individual property*", per Sec. 14-724(e)(1). The Board should grant this variance "*only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance*".
- 5) Views of Others: No supporting or opposing comments have been received by the Planning Division.
- 6) RECOMMENDATIONS:
 - a) Consider the request based on hardship. The applicant must provide an official setback, utility easement, and drainage easement reduction survey if the variance is approved.



ELIZABETH TREAT, District Planner
City of Rogers Planning Division

ADMINISTRATOR'S SUGGESTED MOTION:

"Motion to approve/deny/table the variance request for an interior side yard setback, utility easement, and drainage easement reduction on the south side of lot 9 and on the north side of lot 8 from 7.5 feet to 0 feet as presented."

DIRECTOR'S COMMENTS:

- 1) Agree with recommendations and suggested motion.



JOHN C. McCURDY, Director
City of Rogers Department of Community Development

Tabs:

1. Variance application and required supplements
2. Map and/or photos

Note: staff recommendations are based on the documentation available at the time of request and may not reflect all information made available to the officials during discussion and consideration.





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OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: R-SF 5
App Number: 18-43
CityView Application: PL201800329
Date: 7/2/2018

VARIANCE APPLICATION

APPLICANT: Crafton Tull Shadow Valley Subdivision

ADDRESS: 901 N. 47th Street, Rogers, AR 72765 SUITE #: 200

GENERAL LOCATION OF PROPERTY: Lot 8 & 9 Shadow Valley Subdivision

PHONE #: 479-636-4838 EMAIL: daniel.ellis@craftontull.com

PROPERTY OWNER: CR Reaves Family Limited PHONE #: _____

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: Variance of the setback reduction from 7.5' to 0.0'

Applicant Signature

Date

Attachment Checklist:

- ☐ Letter explaining hardship or reason for request
☐ Legal description of property
☐ Relevant supporting documents
☐ Survey or sign proofs as needed

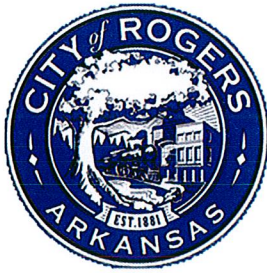
PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** in the **Community Room** at City Hall at 301 W Chestnut Street on **July 12, 2018 at 4:00 p.m.** on the application by **Reaves Family Limited Partnership** under the provisions of the City of Rogers Code of Ordinances, for **a variance to allow side setback reductions from 7.5 feet to 0 feet for two adjoining lots in Shadow Valley Phase 3** the city's RSF-5 (Residential Single Family, 5 units per acre) zoning district, more particularly described as follows:

LEGAL DESCRIPTION:

Lots 8 and 9 of Phase 3, Shadow Valley PUD, City of Rogers, as recorded in Benton County, AR

LAYMAN'S DESCRIPTION:

Two undeveloped lots on Osage Road

Juli Zimmerman, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **July 2, 2018**
BILL THE CITY OF ROGERS



June 29, 2018

Planning Commission
City of Rogers
301 West Chestnut
Rogers, AR 72756

RE: Shadow Valley Phase 3, Lot 8 and Lot 9
CTA Job No. 16105100
Plat Record 2003-365

Planning Commission Members:

C.R. Reaves Family Limited Partnership requests a variance for the northern building setback of Lot 8 from 7.5' to 0.0' and the southern building setback of Lot 9 from 7.5' to 0.0' to allow for the construction of a house. Please see the attached building setback and easement reduction plat displaying the location of the setbacks to be reduced.

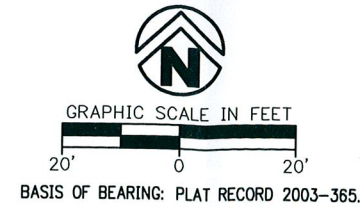
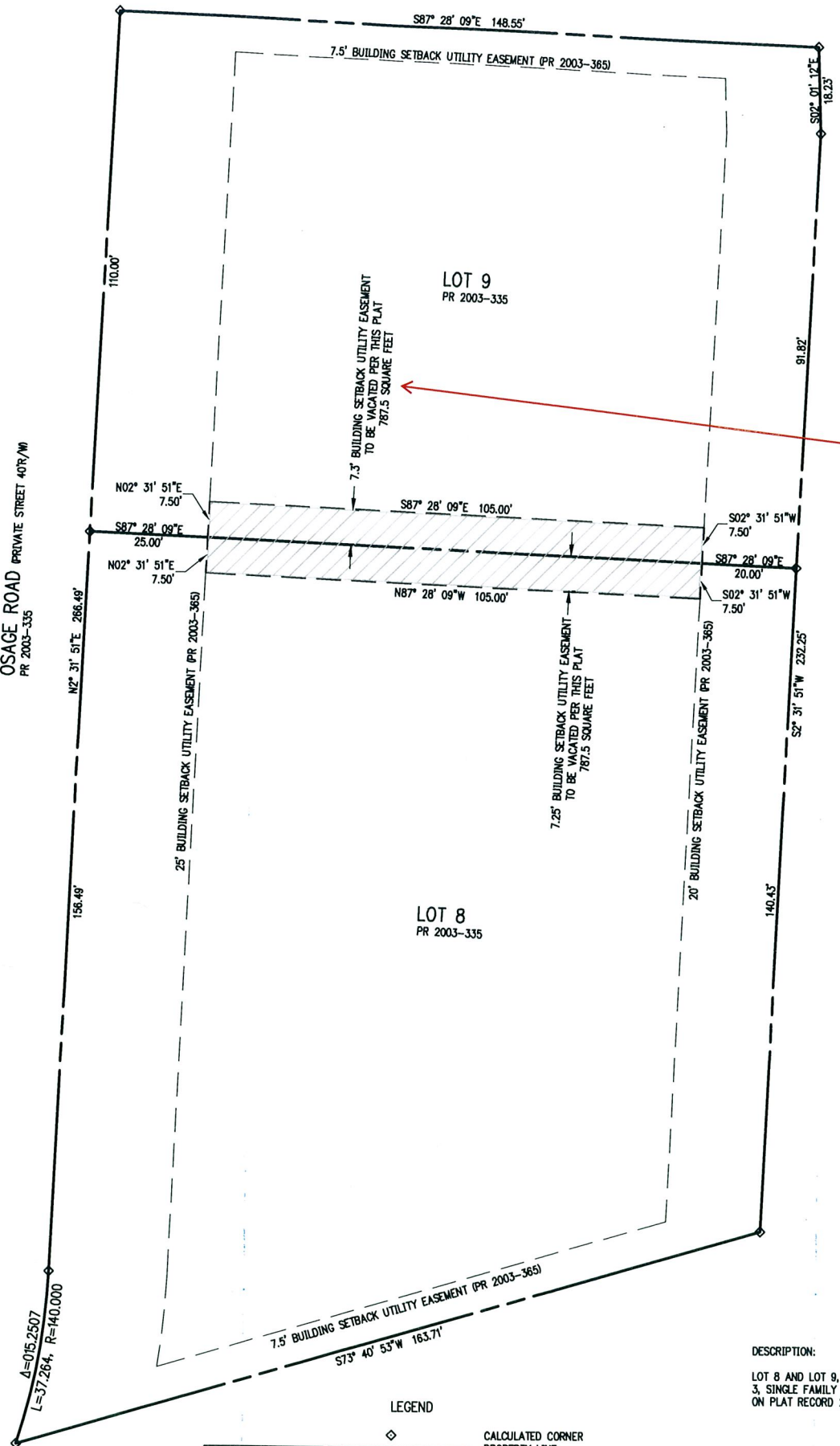
We respectfully request this variance be granted for the northern building setback of Lot 8 and the southern building setback of Lot 9.

Sincerely,
Crafton Tull & Associates, Inc.

Kevin J. Montgomery, P.S.
Vice President Survey

DRAWING: CRAFTON TULL & ASSOCIATES, INC. SURVEYING DIVISION. SURVEY DATED: 06/25/2018. REDUCED FROM PLAT 3, LOT 8 & 9. DWG. LAYOUT: LAYOUT. LAST SAVED: 06/25/2018 3:45:55 PM. PLOTTED BY: KEVIN J. MONTGOMERY. 6/25/2018 3:45:55 PM. PLOTTED BY: KEVIN J. MONTGOMERY. (PRINTED BY: KEVIN J. MONTGOMERY)

OSAGE ROAD PRIVATE STREET 407R/M
PR 2003-335



OWNER:
WES SHELTON AND ELLA MARIE SHELTON, CO-TRUSTEES OF
THE SHELTON JOINT REVOCABLE TRUST
7012 N INGLEWOOD DR
ROGERS AR 72758-9012

This is a setback
reduction/release in
addition to easement
release. Please
resubmit as a
variance.

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE EASEMENTS AS SHOWN ON THIS PLAT FOR PUBLIC USE AND BENEFIT. THE CITY OF ROGERS IS GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS. THE CITY OF ROGERS IS GRANTED UNRESTRICTED ACCESS TO THE PLATTED PRIVATE STREETS FOR PURPOSES OF ACCESS FOR EMERGENCY SERVICE PERSONNEL. THE CITY OF ROGERS IS GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID EASEMENTS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID EASEMENTS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID EASEMENTS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS.

____/____/2018

OWNER: WES SHELTON / TITLE PRINT

____/____/2018

OWNER: ELLA MARIE SHELTON / TITLE PRINT

STATE OF ARKANSAS)

COUNTY OF BENTON) SS

SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2018
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

ACCEPTANCE

BUILDING SETBACK REDUCTION AND EASEMENT RELEASE IS HEREBY ACCEPTED THIS ____ DAY OF _____, 2018 BY THE BOARD OF ADJUSTMENT OF ROGERS, ARKANSAS.

SECRETARY, BOARD OF ADJUSTMENT

COMMUNITY DEVELOPMENT DIRECTOR

CITY CLERK

MAYOR

CERTIFICATE OF APPROVAL OF EASEMENT RELEASE AND/OR BUILDING SETBACK REDUCTION:

WE HEREBY CERTIFY THAT WE HAVE REVIEWED THE REQUEST FOR AN EASEMENT RELEASE AND/OR BUILDING SETBACK REDUCTION FOR THE PROPERTY AS SHOWN ON THIS PLAT, AND HEREBY APPROVE THE RELEASE AND/OR REDUCTION FOR THAT PORTION OF THE PROPERTY AS INDICATED ON THIS PLAT.

DATE	CARROLL ELECTRIC
DATE	BLACK HILLS ENERGY
DATE	COX COMMUNICATIONS
DATE	AT&T/SBC
DATE	ROGERS WATER UTILITIES

LAND SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT ON THE 25TH DAY OF JUNE, 2018 THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION.



CRAFTON, TULL, & ASSOCIATES, INC.
BY KEVIN J. MONTGOMERY (AGENT)

KEVIN J. MONTGOMERY PLS 1460
PROFESSIONAL LAND SURVEYOR

ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL AND SIGNATURE MAY HAVE BEEN ALTERED. THE ABOVE DECLARATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

RECORD INFORMATION

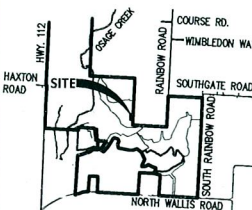
BUILDING SETBACK AND EASEMENT REDUCTION PLAT
LOT 8 AND LOT 9, REVISED FINAL PLAT OF
SHADOW VALLEY P.U.D. PHASE 3, SINGLE FAMILY LOTS
PLAT RECORD 2003 AT PAGE 365

PREPARED FOR:
CR REAVES FAMILY LIMITED

ARKANSAS

ROGERS

VICINITY MAP



DATE	DESCRIPTION	DATE

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

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Crafton Tull
architecture | engineering | surveying
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CERTIFICATE OF AUTHORIZATION:



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PROJECT NO: 16105100
ISSUE DATE: 06/25/2018
CONTACT: K. MONTGOMERY
CHECKED BY:
SHEET NO: